

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 2, 5, 12, 16, and 17 are cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 3, 4, 6-11, 13-15, and 18-20 are pending. Claims 1, 3, 4, 7, 9-11, 15, 18, and 20 are amended. Claims 1, 7, 15 and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 5 and 19 would be allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and that claims 6 and 20 would be allowable if rewritten in independent form.

The Applicant thanks the Examiner for the early indication of allowable subject matter in this application. In response independent claim 21 has been added to recite the allowable subject matter of objected-to claim 5, and to address the issues under 35 U.S.C § 112, second paragraph. In addition, each of independent claims 1, 7 and 15 has been amended to include a novel combination of elements not suggest by the references cited by the Examiner.

Accordingly, it is believed that claims 1, 7, 15 and 21 are in condition for allowance.

Foreign Priority Claim

The Examiner has not acknowledged the Applicants' claim for foreign priority. Clarification is respectfully requested in the next official communications.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed April 20, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith. However, the reference listed thereon has not been initialed by the Examiner. It is requested that the Examiner forward an initialed copy of the PTO-1449 form with the next Official communication.

Amendments To The Drawings

Two Sheets of Revised Formal Drawings are attached in order to add the label "Background Art" to FIGS. 24(a), 24(b), 24(c), and 25.

Amendments to the Specification

Paragraph [00057] is amended to place it in better form.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-4 and 15-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McBroom (U.S. 3,549,172); and

claims 7-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2002145143. These rejections are respectfully traversed.

Amendments to Independent Claim 1

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application,

independent claim 1 has been amended to include the subject matter of dependent claim 2, and to recite "the hook faces the loading space when the seat back is pushed down."

The above aspect of the present invention makes it possible to enhance the appearance of the seat when the seat back is pushed down. Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including McBroom and JP 2002-145143. Specifically, McBroom discloses a hook which is able to be seen when the seat back is pushed down. In addition, Yamaha does not disclose a hook.

In view of the above, independent claim 1 is in condition for allowance.

Amendments to Independent Claim 7

In addition, independent claim 7 has been amended to recite a combination of elements including *inter alia*

an operating lever operatively connected to a serrated member extending longitudinally relative to the motorcycle, the operating lever for selectively moving the serrated member between a locked state and a locking releasing state for sliding the operator's seat longitudinally relative to the motorcycle.

Support for the features set forth in independent claim 7 can be seen, for example, in FIG 16.

In contrast to the present invention, as can be seen in JP 2002-145143 FIGS. 5A and B, this document merely discloses a circular serrated member 32 for determining the angle of and for locking the bar 8. In addition, McBroom is silent about an operating lever

operatively connected to a serrated member extending longitudinally relative to the motorcycle, the operating lever for selectively moving the serrated member between a locked state and a locking releasing state for sliding the operator's seat longitudinally relative to the motorcycle.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 7 is not disclosed or made obvious by the prior art of record, including JP 2002-145143 and McBroom.

Therefore, independent claim 7 is in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Amendments to Independent Claim 15

Further, independent claim 15 has been amended to recite a combination of elements including *inter alia*

a loading space behind the seat back when the seat back is raised; and

a reverse U-shaped grab rail disposed on each side of the loading space, the grab rails appearing as reverse U-shaped grab rails when viewed from lateral sides of the loading space.

Support for the features set forth in independent claims 15 can be seen, for example, in FIG 16.

In contrast to the present invention, as can be seen in JP 2002-145143 FIGS. 7D-F, this document merely discloses a bar 8 which appears as a reverse U-shape when viewed from the

rear. Further, McBroom merely discloses a bar 48 which appears as a reverse U-shape when viewed from the rear.

At least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in independent claim 15 is not disclosed or made obvious by the prior art of record, including McBroom and JP 2002-145143.

Therefore, independent claim 15 is in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The Examiner will note that claims 5, 12, 16, and 17 have been cancelled, and claims 2-4, 9-11, 18, and 20 have been amended.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Application No. 10/827,293
Amendment dated September 21, 2005
Reply to Office Action of June 21, 2005

Docket No. 0505-1294PUS1
Art Unit: 3636
Page 15 of 15

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


James M. Slattery

for Reg. No. 28,380

P. O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

#43,360

JMS:CTT/ags

Attachments: Two (2) sheets of Revised Formal Drawings

Application No. 10/827,293
Amendment dated September 21, 2005
Reply to Office Action of June 21, 2005

Docket No. 0505-1294PUS1
Art Unit: 3636
Page 9 of 15

AMENDMENTS TO THE DRAWINGS

Two Sheets of Revised Formal Drawings are attached in order to add the label
“BACKGROUND ART” to FIGS. 24(a), 24(b), 24(c), and 25.